

2.030 HOURS OF WORK AND OVERTIME

Fire Service shift employees work one of two rotating schedules:

a. Repeating Shifts

This schedule incorporates a rotating shift where the employee works a 12 hour shift (day) or a variable 8-9 hour shift (day). The shift is repeated in various fashions which repeat bi-weekly.

SCFR has established a **14-day “work period”** for these employees. Therefore, based on the FLSA threshold, these employees are not eligible for “overtime” compensation until they have completed 106 “productive” hours within the “work period”. Any hours worked between 84 and 106 will be compensated at the regular rate, with all “worked” hours over 106 compensated at 1.5 times their regular hourly rate.

b. 24/48 hour shift

This schedule incorporates a standard shift where the employee works a 24 hour shift (day) at a time. The shift is repeated every third day; 24 hours on-duty, 48 hours off-duty.

SCFR has established a **28-day “work period”** for these employees. Therefore, based on the FLSA threshold, these employees are not eligible for “overtime” compensation until they have completed 212 “productive” hours within the “work period”. With this format, the employee can have six different “regular” compensation amounts, as they will work 96, 113 or 120 hours per pay cycle, both with and without overtime compensation because due to the point in which they enter the beginning or end of the work period.

	Work Period 1		Work Period 2		Work Period 3	
	Pay cycle 1	Pay cycle 2	Pay cycle 1	Pay cycle 2	Pay cycle 1	Pay cycle 2
Regular	120	92	103	109	113	99
Overtime	0	21	0	11	0	4
Total Worked	120	113	103	120	113	103

- c. In the event the employee’s approved ~~vacation-PTO~~ hours and productive time exceed the normal threshold for the “work period”, the employee may receive payment for the approved ~~vacation-PTO~~ hours, which is a variation to the practice with non-shift County employees.

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Regular	120	92	103	109	113	99
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Total Worked	120	113	103	120	113	103

- c. In the event the employee’s approved PTO hours and productive time exceed the normal threshold for the “work period”, the employee may receive payment for the approved PTO hours, which is a variation to the practice with non-shift County employees.

2.050 INTRODUCTORY PERIOD

- a. All newly hired shift employees, or former employees who have been rehired, enter an introductory period which is considered an integral part of the selection and evaluation process. During the introductory period an employee is required to demonstrate suitability for the position through actual work performance.
- b. The normal introductory period for shift employees of Fire Services is one (1) year from the employee's date of hire, or rehire.
- c. During the introductory period employees accrue ~~vacation and sick leave~~PTO but non-exempt employees are not eligible to use ~~vacation leave~~PTO until after completion of six months of employment except as provided in other provisions of this manual.—Employees with greater than six (6) months employment are eligible to use accrued ~~annual leave~~PTO with the approval of the Division Director.
- d. A written performance evaluation will be prepared when the employee completes six (6) months of employment and again at one (1) year. The appropriate supervisor shall prepare a written performance evaluation, which will be reviewed by the Department Head and Division Director, and then presented to the employee. If the introductory period is satisfactorily completed, the employee will be designated to regular employment status. Successful completion of the introductory period does not affect the at-will nature of employment or create an expectation of continued employment.
- e. When an employee is promoted or transfers to a new position prior to completing his introductory period, it is the option of the new Division Director to require the employee to begin a new introductory period or allow him to complete the period initially started under his prior position.

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3.020 HOURS OF WORK AND OVERTIME

- a. All Board positions are designated as either "exempt" or "non-exempt" according to the Fair Labor Standards Act (FLSA) regulations.
- b. Non-exempt employees are entitled to additional compensation when they work more than forty (40) hours during a seven (7) day workweek or designated holidays. Overtime pay is calculated at one and one-half times the employee's regular rate of pay for all time worked beyond the established forty (40) hour workweek. Employees working on a holiday will receive holiday pay and overtime pay, if eligible.
- c. A Division Director must authorize all overtime in advance. Employees are not allowed to work overtime unless prior authorization has been received.
- d. To the greatest extent operationally feasible, flexible or alternate work schedules within the pay week will be utilized to avoid incurring overtime.
- e. Holidays will be counted as hours worked when computing overtime. ~~Sick leave and vacation time~~PTO will not be counted as hours worked, when computing overtime.
- f. In the event the employee's approved leave time and productive time exceeds forty (40) hours during the designated work week, the employee may receive payment for the leave time requested with the approval of the County Administrator.
- g. Exempt employees are not covered by the FLSA overtime provisions and do not receive overtime pay.
- h. All hours of work are to be accurately recorded for non-exempt employees at all times.

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4.030 TEMPORARY EMPLOYEES

- a. With approval of the Division Director and County Administrator, temporary employees may be used during emergencies or other peak workload periods, or to temporarily replace regular employees absent due to disability, illness, ~~vacation~~ or other approved leave, or to temporarily fill a vacancy until a regular employee is hired.
- b. Temporary employees may be hired without competitive recruitment or examination; however, the posting of any vacancy is encouraged.
- c. Temporary employees are eligible for overtime pay as required by ~~law, law~~; however, the assignment of overtime hours to temporary employees is discouraged. Temporary employees are not eligible and do not receive retirement, ~~vacation, sick leave~~PTO, health insurance, holiday, or any other benefits during their employment.

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- a. All newly hired regular employees or former employees who have been rehired enter an introductory period, which is considered an integral part of the selection and evaluation process. During the introductory period an employee is required to demonstrate suitability for the position through actual work performance.
- a. The normal introductory period is six (6) months from the employee's date of hire, or rehire; however, longer periods may be established for positions requiring technical, professional, specialized, unusual, or unique skills or qualifications.
- b. An employee's introductory period may be extended up to an additional six (6) months to properly evaluate the employee's performance. Reasons to extend the introductory period may include, but not be limited to, employee illness or evaluation of marginal performance. The introductory period will not be shortened for any reason and shall not exceed twelve (12) months.
- c. During the introductory period employees accrue ~~vacation and sick leave~~PTO but non-exempt employees are not eligible to use ~~vacation leave~~PTO until after completion of six months of employment except as provided in other provisions of this policy. —Employees with greater than six (6) months employment are eligible to use accrued ~~annual~~PTO leave with the approval of the Division Director.
- d. When a Department Head determines an employee has satisfactorily completed the introductory period, the Department Head shall prepare a written performance evaluation, which will be reviewed by the Division Director, and then presented to the employee. If the introductory period is satisfactorily completed, the employee will be designated to regular employment status. Successful completion of the introductory period does not affect the at-will nature of employment or create an expectation of continued employment.
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5.060 PAYMENTS UPON SEPARATION

Subject to the limitations set forth in this section, and other sections of this Manual, when an employee separates from employment with the Board, the employee will receive the following compensation:

- a. Regular wages for all hours worked up to the time of termination, which have not already been paid.
- b. Any overtime or holiday pay due.

c. Employees who voluntarily resign or are separated from employment will receive payment for 80% of their accrued and unused PTO at the time of separation.

d. Employees who are eligible for and retire from Sumter County will receive 100% of their accrued and unused PTO at the time of their retirement.

e. Employees separated due to a reduction in force will receive 100% pay for accrued PTO up to time of separation.

f. New employees who have not completed six (6) months of employment will not be eligible for payment of accrued PTO upon separation.

g. Employees who are involuntarily terminated or who leave without providing notice, may not be approved for payment of any accrued PTO.

h. No employee, regardless of length of service or number of scheduled hours may receive reimbursement for more than 720 hours upon separation of employment. (This includes leave used during the last 30 days, or any time, to prolong a retirement/termination date).

~~c. Approved lump sum payment of accrued, but unused, annual leave. However, an employee who is involuntarily terminated from employment or who leaves employment without providing notice may not be approved for accrued, but unused, annual leave. Moreover, employees who separate during the first six (6) months of employment are not eligible for payment of benefits.~~

i. At retirement, an employee hired June 1, 2009, or after will receive payment of 25% of unused sick leave reserve at his-their current rate of pay. Employees hired before June 1, 2009, ~~will receive payment for 50% of unused sick leave at his current rate of pay through December 31, 2009.~~ Sick leave pay out at retirement will be paid for unused sick leave reserve at percentages shown in table below for employees retiring January 1, 2010 or after.

d.

i.

~~Exception to section d:~~ Employees who have entered DROP (Deferred Retirement Option Program) before June 1, 2009, or employees having filed an application for retirement with the Division of Retirement before June 1, 2009, with a retirement date occurring before June 1, 2014, will receive payment for 50% of unused sick leave reserve at his current salary rate. Should the

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employee extend their employment beyond the retirement date stated on their retirement application, the sick leave reserve pay-out benefit will be paid according to the phase out schedule at the actual date of retirement.

Effective Date	Through	Pay-out Percentage
January 1, 2010	December 31, 2010	45%
January 1, 2011	December 31, 2011	40%
January 1, 2012	December 31, 2012	35%
January 1, 2013	December 31, 2013	30%
January 1, 2014	Forward	25%

e.k. Final payment includes all separation benefits. The final check will be held until the employee has returned all Board property, including keys, uniforms, completed documents, etc.

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- b. Any overtime or holiday pay due.
- c. Employees who voluntarily resign or are separated from employment will receive payment for 80% of their accrued and unused PTO at the time of separation.
- d. Employees who are eligible for and retire from Sumter County will receive 100% of their accrued and unused PTO at the time of their retirement.
- e. Employees separated due to a reduction in force will receive 100% pay for accrued PTO up to time of separation.
- f. New employees who have not completed six (6) months of employment will not be eligible for payment of accrued PTO upon separation.
- g. Employees who are involuntarily terminated or who leave without providing notice, may not be approved for payment of any accrued PTO.
- h. No employee, regardless of length of service or number of scheduled hours may receive reimbursement for more than 720 hours upon separation of employment. (This includes leave used during the last 30 days, or any time, to prolong a retirement/termination date).
- i. At retirement, an employee hired June 1, 2009, or after will receive payment of 25% of unused sick leave reserve at their current rate of pay. Employees hired before June 1, 2009, will be paid for unused sick leave reserve at percentages shown in table below for employees retiring January 1, 2010 or after.
- j. Employees who have entered DROP (Deferred Retirement Option Program) before June 1, 2009, or employees having filed an application for retirement with the Division of Retirement before June 1, 2009, with a retirement date occurring before June 1, 2014, will receive payment for 50% of unused sick leave reserve at his current salary rate. Should the employee extend their employment beyond the retirement date stated on their retirement application, the sick leave reserve pay-out benefit will be paid according to the phase out schedule at the actual date of retirement.

Effective Date	Through	Pay-out Percentage
January 1, 2010	December 31, 2010	45%
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January 1, 2014

Forward

25%

- k. Final payment includes all separation benefits. The final check will be held until the employee has returned all Board property, including keys, uniforms, completed documents, etc.

7.020 DISABILITY BENEFITS

- a. All employees are covered by Workers' Compensation. This type of insurance covers employees in case of on-the-job injuries or certain job-related illnesses. For qualifying cases, Workers' Compensation will pay the employee for a portion of workdays lost for any disability resulting from job-related injuries or illnesses. By law all job-related accidents must be reported immediately to the supervisor who is responsible for coordinating notice to Risk-ManagementEmployee Services.
- b. Subject to the terms of this subsection, employees will be entitled to a maximum of thirty (30) paid workdays accident leave per accident for absences resulting from injuries received in the line of duty. In order to qualify for accident leave, the injured employee must see a worker's compensation physician designated by the county prior to requesting such leave. A note from the physician should be presented to the Department Head showing the employee is unable to work. Accident leave will also be granted to employees when approval for light duty is given by the physician but the county determines that no light duty assignment is available. The employee will be paid regular salary minus the amount of any weekly Workers' Compensation benefits that are paid. Accident leave is not deducted from the employee's accrued sick-leavePTO for non-job related purposes. Should Workers' Compensation benefits continue after thirty (30) workdays absence, the employee shall utilize sick-leavesick leave reserve and be charged proportionately. When sick leave reserve- is exhausted, annual leavePTO will be proportionately charged. If an employee returns to work and re-injures his previous injury, he will be entitled to continue accident leave up to the thirty (30) workdays allowed. A new thirty (30) workday period will not be started.
- c. When the employee receives Workers' Compensation benefits in addition to County pay or leave benefits, the employee is required to forfeit to the Board the amount covered by Workers' Compensation. This policy is to ensure that employees receive prompt and regular payment during periods of injury or disability, while ensuring that no employee receives more than the employee would have received had the injury not occurred.
- d. The Board, at its expense, may require examination by a physician to determine when the employee can return to work and limitations, if any, of performing the duties and responsibilities of the position.

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- b. Subject to the terms of this subsection, employees will be entitled to a maximum of thirty (30) paid workdays accident leave per accident for absences resulting from injuries received in the line of duty. In order to qualify for accident leave, the injured employee must see a worker's compensation physician designated by the county prior to requesting such leave. A note from the physician should be presented to the Department Head showing the employee is unable to work. Accident leave will also be granted to employees when approval for light duty is given by the physician but the county determines that no light duty assignment is available. The employee will be paid regular salary minus the amount of any weekly Workers' Compensation benefits that are paid. Accident leave is not deducted from the employee's accrued PTO for non-job related purposes. Should Workers' Compensation benefits continue after thirty (30) workdays absence, the employee shall utilize sick leave reserve and be charged proportionately. When sick leave reserve is exhausted, PTO will be proportionately charged. If an employee returns to work and re-injures his previous injury, he will be entitled to continue accident leave up to the thirty (30) workdays allowed. A new thirty (30) workday period will not be started.
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- d. The Board, at its expense, may require examination by a physician to determine when the employee can return to work and limitations, if any, of performing the duties and responsibilities of the position.

7.060 — VACATION

- a. ~~Subject to the conditions set forth in the Manual, each regular employee accrues paid vacation leave as follows:~~
- | | |
|--|-----------------------------------|
| — 1-5 years of uninterrupted service — | hourly factor of .050 |
| — 6-10 years of uninterrupted service — | hourly factor of .0625 |
| — 10+ years of uninterrupted service — | hourly factor of .075 |
- b. ~~Employees accrue but may not use vacation leave until after completion of six months of employment. Employees do not accrue vacation leave benefits during leave without pay. Annual leave credit does not accrue on overtime. All other leave time will be counted as hours worked in computing annual leave credit.~~
- c. ~~Each department is responsible for coordinating employee vacations without undue disruption of department operations. Leave requests of two days or more should be submitted at least two (2) weeks prior to anticipated vacation date.~~
- d. ~~Leave requests that exceed the accrued leave at the time of the request may not be granted beyond the amount of accrued leave.~~
- e. ~~Vacation leave accrued in excess of 280 hours, on the last day of the first full payroll in January, will be handled as follows:~~
- ~~1. Up to forty (40) hours will be paid when the employee is unable to use excess leave due to the business needs of the Board as certified by the employee's Division Director and approved by the County Administrator.~~
 - ~~2. Any remaining hours above 280 hours, after the forty (40) paid hours, will be forfeited. Under no circumstances may an employee carry forward to the following calendar year more than 280 hours of vacation.~~
- f. ~~A maximum of ten (10) workdays may be taken at any one time, unless the Division Director or County Administrator grants special approval.~~

~~— Employees are expected to return to work unless mitigating circumstances arise and the employee has the approval of the Division Director or designee not to return to work;~~

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~~3. Exposure to a contagious disease where on the job presence of the employee would jeopardize the health of others;~~

~~4. Use of a prescription drug which impairs job performance or safety;~~

~~5. Actual periods of temporary disability associated with pregnancy or childbirth. Employees may request additional time off beyond the actual period of disability.~~

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~~— h. Division Directors with the recommendation of the Department Head may require an employee to submit written certification from a physician if an employee is absent from work for three (3) or more days continuously or if an employee uses three (3) or more sick days in any sixty (60) day period. The County Administrator may also request the opinion of a second doctor, at the County's expense, to determine whether the employee is fit to return to duty.~~

~~— i. Abuse of sick leave constitutes grounds for disciplinary action. Abuse is determined on a case by case basis. Some circumstances which may indicate abuse are:~~

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~~1. More than three (3) Monday absences in any twelve (12) month period or more than three Friday absences in any twelve (12) month period for an employee who is regularly scheduled to work Monday through Friday;~~

~~2. More than three (3) absences in any twelve month period on the regularly scheduled work day following a payday;~~

~~3. Routinely taking sick days as sick leave is earned so as to show a pattern, such as one (1) day per month or one (1) day every other month.~~

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~~— Sick leave usage approved under the provisions of the Family/Medical Leave Act (Section 6.140) is exempted from being defined as abuse.~~

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~~— j. Employees who use all accumulated sick leave and require more time off may be authorized to use accumulated annual leave and/or leave without pay.~~

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7.070 SICK LEAVE RESERVE

a. Sick Leave Reserve will be used in the event of a continuous absence due to personal illness or injury or the need to care for the employee's immediate family member as defined in Section 11.010 (H) lasting three (3) consecutive work days or longer, including those covered under Workers' Compensation and disability. Once the Sick Leave Reserve hours are exhausted, they will not be replenished.

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b. Employees who have entered the Deferred Retirement Option Program (DROP) should refer to section 5.060 – Payment Upon Separation for information on payout of Sick Leave Reserve.

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a. All regular employees accrue sick leave at an hourly factor of .050.

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b. Employees accrue and may use sick leave during introductory periods.

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c. Employees do not accrue sick leave benefits during leave without pay. All other leave will be counted as hours worked in computing sick leave credits.

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d. Accruing leave may not be used during the pay period in which it is accrued.

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e. Sick leave credit does not accrue on overtime.

f. Employees hired on June 1, 2009 or after may accrue a maximum of 480 hours of sick leave. Employees hired before June 1, 2009 may accrue a maximum of 960 hours of sick leave. Employees with sick leave accrued in excess of the levels described will not forfeit sick leave accrued but will not accrue additional sick leave until the leave is used and falls below the accrual levels.

g. Sick leave covers those situations in which an employee is absent from work due to:

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1. Physical injury or illness of the employee;

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1. The need to care for the employee's immediate family member. Immediate family is defined in Section 11.010 H;

2. Medical or Dental appointments. Employees must make a reasonable effort to schedule medical or dental appointments at times that have the least interference with the workday.

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7.070 SICK LEAVE RESERVE

- a. Sick Leave Reserve will be used in the event of a continuous absence due to personal illness or injury or the need to care for the employee's immediate family member as defined in Section 11.010 (H) lasting three (3) consecutive work days or longer, including those covered under Workers' Compensation and disability. Once the Sick Leave Reserve hours are exhausted, they will not be replenished.
- b. Employees who have entered the Deferred Retirement Option Program (DROP) should refer to section 5.060 – Payment Upon Separation for information on payout of Sick Leave Reserve.

7.080 LEAVE WITHOUT PAY

The Division Director may approve leaves of absence without pay for up to five (5) consecutive days for an absence from work not covered by any other type of leave or if other leave balances are exhausted. Any leave associated with the Family and Medical Leave Act (FMLA) will be considered under section 6.140 of this manual.

An extended period of leave without pay may be granted, with approval by the County Administrator for a period up to sixty (60) calendar days under the following provisions:

- a. ~~Vacation-leave~~PTO must be exhausted prior to taking any leave without pay for any non-medical absence;
- b. Sick Leave Reserve -and ~~vacation-leave~~PTO must be exhausted for medically related absences;
- c. ~~Vacation-and-sick-leave~~PTO does not accrue while an employee is on leave without pay;
- d. In certain circumstances, the employee may be required to pay for benefits;
- e. An employee who fails to report promptly at the end of the unpaid leave is presumed to have resigned;
- f. If the leave without pay is due to an illness, the Department Head may require a doctor's certificate stating that the employee is able to return to work and perform the work, duties, and responsibilities of the employee's position;
- g. During employee's initial introductory period;

Extended leave requests must be made in writing two (2) weeks prior to the leave date with the exception of emergencies.

7.080 LEAVE WITHOUT PAY

The Division Director may approve leaves of absence without pay for up to five (5) consecutive days for an absence from work not covered by any other type of leave or if other leave balances are exhausted. Any leave associated with the Family and Medical Leave Act (FMLA) will be considered under section 6.140 of this manual.

An extended period of leave without pay may be granted, with approval by the County Administrator for a period up to sixty (60) calendar days under the following provisions:

- a. PTO must be exhausted prior to taking any leave without pay for any non-medical absence;
- b. Sick Leave Reserve and PTO must be exhausted for medically related absences;
- c. PTO does not accrue while an employee is on leave without pay;
- d. In certain circumstances, the employee may be required to pay for benefits;
- e. An employee who fails to report promptly at the end of the unpaid leave is presumed to have resigned;
- f. If the leave without pay is due to an illness, the Department Head may require a doctor's certificate stating that the employee is able to return to work and perform the work, duties, and responsibilities of the employee's position;
- g. During employee's initial introductory period;

Extended leave requests must be made in writing two (2) weeks prior to the leave date with the exception of emergencies.

7.090 JURY AND WITNESS LEAVE

- a. All regular employees who are summoned to jury duty or who are subpoenaed to appear in court as a witness in relation to their position with the County will be granted jury and witness leave and given time off with pay for the actual time spent on jury duty or court appearance. Any court compensation, other than per diem expenses, shall be forfeited to the appropriate fund, unless the employee elects to forfeit County pay and receive the court compensation instead.
- b. Employees subpoenaed to court as a witness for reasons not connected to their official position with the County are not eligible for jury and witness leave. Time used will be charged to the employee's ~~vacation-leave~~PTO leave or granted as leave without pay.

7.090 JURY AND WITNESS LEAVE

- a. All regular employees who are summoned to jury duty or who are subpoenaed to appear in court as a witness in relation to their position with the County will be granted jury and witness leave and given time off with pay for the actual time spent on jury duty or court appearance. Any court compensation, other than per diem expenses, shall be forfeited to the appropriate fund, unless the employee elects to forfeit County pay and receive the court compensation instead.
- b. Employees subpoenaed to court as a witness for reasons not connected to their official position with the County are not eligible for jury and witness leave. Time used will be charged to the employee's PTO leave or granted as leave without pay.

7.100 ADMINISTRATIVE LEAVE

a. Administrative Leave – Service-Connected Disability

An employee who has been rated by the United States Department of Veterans Affairs or its predecessor to have incurred a service-connected disability and has been scheduled by the United States Department of Veterans Affairs to be re-examined or treated for the disability shall be granted administrative leave for such re-examination or treatment without loss of pay or benefits. In no event shall the number of days of paid leave under this section exceed six (6) days per calendar year.

b. Administrative Leave - Elections

An employee may request administrative leave to work for the Supervisor of Elections as a poll worker in a county election. The request must be made in advance and must be approved by the Division Director. The employee's absence should not put an undue burden on the operation of the Department in which they work. Administrative leave is not deducted from the employee's ~~annual leave or sick leave~~PTO leave. The leave will be without ~~pay;pay;~~ however, the employee will receive compensation from the Supervisor of Elections.

c. Administrative Leave – Investigations

When it is determined to be in the best interest of the county and the employee, the County Administrator may designate paid administrative leave for any employee who is the subject of or is materially affected by an investigation of alleged violation of personnel policies or any other policies of the Board of County Commissioners. Administrative leave is not deducted from the employee's ~~annual-or-sick~~PTO leave.

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c. Administrative Leave – Investigations

When it is determined to be in the best interest of the county and the employee, the County Administrator may designate paid administrative leave for any employee who is the subject of or is materially affected by an investigation of alleged violation of personnel policies or any other policies of the Board of County Commissioners. Administrative leave is not deducted from the employee's PTO leave.

7.140 FAMILY AND MEDICAL LEAVE POLICY

The purpose of this policy is to grant employees a leave of absence under certain allowable conditions. It is the policy of the Board to grant up to twelve (12) weeks of family and medical leave during a twelve (12) month period to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA).

In accordance with the 2009 amendment to the Family and Medical Leave Act of 1993, an eligible employee can take up to 26 weeks for the FMLA circumstance of military caregiver leave during a single 12-month period. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available. The leave may be paid (through use of accrued ~~annual or sick leave~~ PTO and/or sick leave reserve), unpaid, or a combination of paid and unpaid, depending on the circumstances and as specified in this policy.

A. ELIGIBILITY:

In order to qualify to take family and medical leave under this policy, the employee must meet all of the following conditions:

1. The employee must have worked for the Board at least twelve (12) months or fifty-two (52) weeks. The twelve (12) months or fifty-two (52) weeks need not have been consecutive. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week, or if the employee is on leave during the week;
2. The employee must have worked at least 1250 hours during the twelve (12) month period immediately before the date when the leave would begin;
3. An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member. The term "covered service member" means a member of the United States Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness is entitled to up to 26 weeks of leave in a single 12 month period to care for the service member. The leave described shall only be available during a single 12-month period. If a husband and wife both work for the company, and each wishes to take leave for service member family leave the husband and wife may only take a combined total of 26 weeks of leave.
4. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. This will be determined on a case by case basis.

5. The employee must work in an office or worksite where fifty (50) or more employees are employed within seventy-five (75) miles of that office or worksite.

B. TYPE OF LEAVE COVERED:

In order to qualify as FMLA leave under this policy, the employee must be taking the leave for one of the reasons listed below:

1. The birth of a child and in order to care for that child;
2. The placement of a child for adoption or foster care;
3. To care for a spouse, child, or parent with a serious health condition; or
4. The serious health condition of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position. A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves any of the following:

- An overnight stay for inpatient treatment in a hospital, hospice, or residential medical care facility; or
- A period of incapacity requiring absence from work, school, or other regular daily activities of more than three (3) consecutive calendar days and that also involves continuing treatment by or under the supervision of a health care provider; or
- Continuing care by or under the supervision of a health care provider for a chronic or long-term health condition that is incurable or so serious that if not treated would result in a period of incapacity of more than three (3) consecutive calendar days; or
- A period of incapacity or treatment for incapacity due to a chronic serious health condition; or
- A period of incapacity due to pregnancy or for prenatal care.

Employees with questions about what illnesses are covered under this Policy ~~or under the Board's sick leave policy~~ should consult with the Employee Services Department.

The Employee Services Department may require an employee to provide a doctor's certification of the serious health condition. The certification process is outlined (g) below.

If an employee takes ~~paid-sick-leave~~PTO leave or sick leave reserve- for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, all or some portion of related leave taken may be designated as leave under this policy, to the extent that the leave meets the necessary qualifications.

An eligible employee can take up to twelve (12) weeks of leave under this policy during a twelve (12) month period. The Board will measure the twelve (12) month period on a calendar year basis.

5. Qualifying exigency leave for family members of active-duty service members and families of members of the National Guard and Reserves when the covered military member is on active duty or called to active duty in support of a contingency operation.

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to active military duty or who is already on active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following:

- 1) short-notice deployment,
- 2) military events and activities,
- 3) child care and school activities,
- 4) financial and legal arrangements,
- 5) counseling,
- 6) rest and recuperation,
- 7) post-deployment activities and
- 8) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

6. Military caregiver leave (also known as covered service member leave) to care for an ill or injured service member and veterans who are undergoing medical treatment, recuperation or therapy for serious injury or illness that occurred any time during the five years preceding the date of treatment.

This leave may extend to up to 26 weeks in a single 12-month period for an employee to care for a spouse, son, daughter, parent or next of kin covered service member with a serious illness or injury incurred in the line of duty on active duty. Next of kin is defined as the closest blood relative of the injured or recovering service member.

C. EMPLOYEE STATUS AND BENEFITS DURING LEAVE:

While an employee is on leave, the employee's health insurance benefits will continue during the leave period at the same level and under the same conditions as if the employee had continued work.

If the employee chooses not to return to work for reasons other than a continued serious health condition, the employee will be required to reimburse the Board the amount it paid for the employee's health insurance premium during the leave period.

While on unpaid leave, the employee must continue to make his dependent coverage premium payment either in person or by mail. The payment must be received in the Finance Department by the last day of each month for the next month's coverage. If the payment is more than thirty (30) days late, the employee's dependent health care coverage may be dropped for the duration of the leave.

If the employee contributes to a life insurance policy, the Board will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee must continue to make those payments. If the employee does not continue payments, the Board may discontinue coverage during the leave period. As an option, the employee may voluntarily prepay his plan premiums before the starting date of the family and medical leave. The employee should contact [Risk Management Employee Services](#) to exercise the prepayment option.

D. EMPLOYEE STATUS AFTER LEAVE:

An employee who takes leave under this policy will be able to return to the same job, or a job with equivalent status, pay, benefits, and other employment terms. The position will be the same or one, which entails substantially equivalent skill, effort, responsibility, and authority.

E. USE OF PAID AND UNPAID LEAVE:

Employees will be required to use accrued PTO and/or sick leave reserve leave for FMLA leave. For leaves for the employee's own serious health condition, employees may also be eligible to receive benefits such as short-term disability. When an on-the-job injury meets the criteria for a serious health condition, Family Medical Leave will run concurrently with the Workers' Compensation absence.

F. INTERMITTENT LEAVE OR A REDUCED WORK SCHEDULE:

The employee may take FMLA leave in twelve (12) consecutive weeks; or, under certain circumstances may use the leave intermittently (take a day periodically when needed over the year); or on a reduced leave schedule.

In all cases, the leave may not exceed a total of twelve (12) weeks over a twelve (12) month period.

An employee may be temporarily transferred to an available alternate position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule.

For the birth, adoption, or foster care of a child, the Division Director and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption, or foster care of a child must be taken within one (1) year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the Division Director before taking intermittent leave or working a reduced hour schedule. If this is not possible, the employee must prove that the use of the leave is medically necessary. A certification of the medical necessity may be required.

G. CERTIFICATION OF THE SERIOUS HEALTH CONDITION:

When certification of the serious health condition is required, the employee should try to respond within fifteen (15) days of the request or provide a reasonable explanation of the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification may be provided by using the Family/Medical Leave Request form

Certification of the serious health condition shall include: the date when the condition began, its expected duration, diagnosis, and a brief statement of treatment. For medical leave for the employee's own medical condition, the certification must also

include a statement that the employee is unable to perform one or more of the essential functions of the employee's position. For a seriously ill family member, the certification must include a statement that the patient requires assistance or that the employee's presence would be beneficial or desirable to the family member.

If the employee plans to take intermittent leave or work a reduced schedule, the certification must include dates of the planned treatment, the duration of treatment, and a statement of medical necessity for taking intermittent leave or working a reduced schedule.

The County Administrator or his designee has the right to ask for a second opinion following receipt of the certification. The Board will pay for the employee to get a certification from a second doctor, which will be selected by the County Administrator or his designee.

If necessary to resolve a conflict between the original certification and the second opinion, the County Administrator will require the opinion of a third doctor. The County Administrator and the employee will jointly select the third doctor, and the Board will pay for the opinion. This third opinion is considered final.

H. PROCEDURE FOR REQUESTING FAMILY/MEDICAL LEAVE:

Except where leave is not foreseeable, all employees requesting leave under this policy must provide verbal or written request with an explanation of the reason(s) for the needed leave to the Division Director, with a copy to Employee Services, on forms provided.

When an employee plans to take leave under this policy, the employee must give the Division Director thirty (30) days notice. If it is not possible to give thirty (30) days notice, the employee must give as much notice as is practicable. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to the department's operations.

If the employee fails to provide thirty (30) days notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least thirty (30) days from the date the Division Director receives notice.

While on leave, employees are requested to report periodically to their Division Director regarding the status of the medical condition, and their intent to return to work. Department Heads are charged with the responsibility of monitoring FMLA leave.

I. OUTSIDE EMPLOYMENT DURING LEAVE:

Outside or supplemental employment is generally prohibited during paid and/or unpaid Family and Medical leave. Exceptions may be granted on a case-by-case basis but must be approved by the County Administrator.

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J. OTHER REPORTS AND CERTIFICATIONS:

During a Family and Medical Leave, the employee is required to report periodically on his status and intent to return to work.

The employee or their healthcare provider may also be required to complete one or more additional medical certification forms at reasonable intervals during the family and medical leave, but not more often than every thirty (30) days unless one of the following occurs:

- The employee requests an extension of leave;
- Circumstances described in the previous certification have changed significantly;
- Information received casts doubt on the continuing validity of the employee's previous certification.

K. RETURN TO WORK:

When an employee has taken family and medical leave because of his own serious health condition and wants to return to work upon the expiration of the leave the employee must present a fitness-for-duty certification from the health care provider which states that he is able to resume work and perform the essential functions of the position. The fitness-for-duty certification relates only to the particular health condition that caused the need for Family and Medical Leave. The Department Head may deny a request for reinstatement until the submittal of the fitness-for-duty certification.

L. OTHER INFORMATION:

Employees who fraudulently obtain family and medical leave from the Board are not entitled to job restoration or maintenance of employee benefits.

7.140 FAMILY AND MEDICAL LEAVE POLICY

The purpose of this policy is to grant employees a leave of absence under certain allowable conditions. It is the policy of the Board to grant up to twelve (12) weeks of family and medical leave during a twelve (12) month period to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA).

In accordance with the 2009 amendment to the Family and Medical Leave Act of 1993, an eligible employee can take up to 26 weeks for the FMLA circumstance of military caregiver leave during a single 12-month period. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available. The leave may be paid (through use of accrued PTO and/or sick leave reserve), unpaid, or a combination of paid and unpaid, depending on the circumstances and as specified in this policy.

A. ELIGIBILITY:

In order to qualify to take family and medical leave under this policy, the employee must meet all of the following conditions:

1. The employee must have worked for the Board at least twelve (12) months or fifty-two (52) weeks. The twelve (12) months or fifty-two (52) weeks need not have been consecutive. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week, or if the employee is on leave during the week;
2. The employee must have worked at least 1250 hours during the twelve (12) month period immediately before the date when the leave would begin;
3. An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member. The term "covered service member" means a member of the United States Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness is entitled to up to 26 weeks of leave in a single 12 month period to care for the service member. The leave described shall only be available during a single 12-month period. If a husband and wife both work for the company, and each wishes to take leave for service member family leave the husband and wife may only take a combined total of 26 weeks of leave.
4. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. This will be determined on a case by case basis.

5. The employee must work in an office or worksite where fifty (50) or more employees are employed within seventy-five (75) miles of that office or worksite.

B. TYPE OF LEAVE COVERED:

In order to qualify as FMLA leave under this policy, the employee must be taking the leave for one of the reasons listed below:

1. The birth of a child and in order to care for that child;
2. The placement of a child for adoption or foster care;
3. To care for a spouse, child, or parent with a serious health condition; or
4. The serious health condition of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position. A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves any of the following:

- An overnight stay for inpatient treatment in a hospital, hospice, or residential medical care facility; or
- A period of incapacity requiring absence from work, school, or other regular daily activities of more than three (3) consecutive calendar days and that also involves continuing treatment by or under the supervision of a health care provider; or
- Continuing care by or under the supervision of a health care provider for a chronic or long-term health condition that is incurable or so serious that if not treated would result in a period of incapacity of more than three (3) consecutive calendar days; or
- A period of incapacity or treatment for incapacity due to a chronic serious health condition; or
- A period of incapacity due to pregnancy or for prenatal care.

Employees with questions about what illnesses are covered under this Policy should consult with the Employee Services Department.

The Employee Services Department may require an employee to provide a doctor's certification of the serious health condition. The certification process is outlined (g) below.

If an employee takes PTO leave or sick leave reserve for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, all or some portion of related leave taken may be designated as leave under this policy, to the extent that the leave meets the necessary qualifications.

An eligible employee can take up to twelve (12) weeks of leave under this policy during a twelve (12) month period. The Board will measure the twelve (12) month period on a calendar year basis.

5. Qualifying exigency leave for family members of active-duty service members and families of members of the National Guard and Reserves when the covered military member is on active duty or called to active duty in support of a contingency operation.

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to active military duty or who is already on active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following:

- 1) short-notice deployment,
- 2) military events and activities,
- 3) child care and school activities,
- 4) financial and legal arrangements,
- 5) counseling,
- 6) rest and recuperation,
- 7) post-deployment activities and
- 8) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

6. Military caregiver leave (also known as covered service member leave) to care for an ill or injured service member and veterans who are undergoing medical treatment, recuperation or therapy

for serious injury or illness that occurred any time during the five years preceding the date of treatment.

This leave may extend to up to 26 weeks in a single 12-month period for an employee to care for a spouse, son, daughter, parent or next of kin covered service member with a serious illness or injury incurred in the line of duty on active duty. Next of kin is defined as the closest blood relative of the injured or recovering service member.

C. EMPLOYEE STATUS AND BENEFITS DURING LEAVE:

While an employee is on leave, the employee's health insurance benefits will continue during the leave period at the same level and under the same conditions as if the employee had continued work.

If the employee chooses not to return to work for reasons other than a continued serious health condition, the employee will be required to reimburse the Board the amount it paid for the employee's health insurance premium during the leave period.

While on unpaid leave, the employee must continue to make his dependent coverage premium payment either in person or by mail. The payment must be received in the Finance Department by the last day of each month for the next month's coverage. If the payment is more than thirty (30) days late, the employee's dependent health care coverage may be dropped for the duration of the leave.

If the employee contributes to a life insurance policy, the Board will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee must continue to make those payments. If the employee does not continue payments, the Board may discontinue coverage during the leave period. As an option, the employee may voluntarily prepay his plan premiums before the starting date of the family and medical leave. The employee should contact Employee Services to exercise the prepayment option.

D. EMPLOYEE STATUS AFTER LEAVE:

An employee who takes leave under this policy will be able to return to the same job, or a job with equivalent status, pay, benefits, and other employment terms. The position will be the same or one, which entails substantially equivalent skill, effort, responsibility, and authority.

E. USE OF PAID AND UNPAID LEAVE:

Employees will be required to use accrued PTO and/or sick leave reserve for FMLA leave. For leaves for the employee's own serious health condition, employees may also be eligible to receive benefits such as short-term disability. When an on-the-job

injury meets the criteria for a serious health condition, Family Medical Leave will run concurrently with the Workers' Compensation absence.

F. INTERMITTENT LEAVE OR A REDUCED WORK SCHEDULE:

The employee may take FMLA leave in twelve (12) consecutive weeks; or, under certain circumstances may use the leave intermittently (take a day periodically when needed over the year); or on a reduced leave schedule.

In all cases, the leave may not exceed a total of twelve (12) weeks over a twelve (12) month period.

An employee may be temporarily transferred to an available alternate position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule.

For the birth, adoption, or foster care of a child, the Division Director and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption, or foster care of a child must be taken within one (1) year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the Division Director before taking intermittent leave or working a reduced hour schedule. If this is not possible, the employee must prove that the use of the leave is medically necessary. A certification of the medical necessity may be required.

G. CERTIFICATION OF THE SERIOUS HEALTH CONDITION:

When certification of the serious health condition is required, the employee should try to respond within fifteen (15) days of the request or provide a reasonable explanation of the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification may be provided by using the Family/Medical Leave Request form

Certification of the serious health condition shall include: the date when the condition began, its expected duration, diagnosis, and a brief statement of treatment. For medical leave for the employee's own medical condition, the certification must also include a statement that the employee is unable to perform one or more of the essential functions of the employee's position. For a seriously ill family member, the certification must include a statement that the patient requires assistance or that the employee's presence would be beneficial or desirable to the family member.

If the employee plans to take intermittent leave or work a reduced schedule, the certification must include dates of the planned treatment, the duration of treatment, and a statement of medical necessity for taking intermittent leave or working a reduced schedule.

The County Administrator or his designee has the right to ask for a second opinion following receipt of the certification. The Board will pay for the employee to get a certification from a second doctor, which will be selected by the County Administrator or his designee.

If necessary to resolve a conflict between the original certification and the second opinion, the County Administrator will require the opinion of a third doctor. The County Administrator and the employee will jointly select the third doctor, and the Board will pay for the opinion. This third opinion is considered final.

H. PROCEDURE FOR REQUESTING FAMILY/MEDICAL LEAVE:

Except where leave is not foreseeable, all employees requesting leave under this policy must provide verbal or written request with an explanation of the reason(s) for the needed leave to the Division Director, with a copy to Employee Services, on forms provided.

When an employee plans to take leave under this policy, the employee must give the Division Director thirty (30) days notice. If it is not possible to give thirty (30) days notice, the employee must give as much notice as is practicable. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to the department's operations.

If the employee fails to provide thirty (30) days notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least thirty (30) days from the date the Division Director receives notice.

While on leave, employees are requested to report periodically to their Division Director regarding the status of the medical condition, and their intent to return to work. Department Heads are charged with the responsibility of monitoring FMLA leave.

I. OUTSIDE EMPLOYMENT DURING LEAVE:

Outside or supplemental employment is generally prohibited during paid and/or unpaid Family and Medical leave. Exceptions may be granted on a case-by-case basis but must be approved by the County Administrator.

J. OTHER REPORTS AND CERTIFICATIONS:

During a Family and Medical Leave, the employee is required to report periodically on his status and intent to return to work.

The employee or their healthcare provider may also be required to complete one or more additional medical certification forms at reasonable intervals during the family and medical leave, but not more often than every thirty (30) days unless one of the following occurs:

- The employee requests an extension of leave;
- Circumstances described in the previous certification have changed significantly;
- Information received casts doubt on the continuing validity of the employee's previous certification.

K. RETURN TO WORK:

When an employee has taken family and medical leave because of his own serious health condition and wants to return to work upon the expiration of the leave the employee must present a fitness-for-duty certification from the health care provider which states that he is able to resume work and perform the essential functions of the position. The fitness-for-duty certification relates only to the particular health condition that caused the need for Family and Medical Leave. The Department Head may deny a request for reinstatement until the submittal of the fitness-for-duty certification.

L. OTHER INFORMATION:

Employees who fraudulently obtain family and medical leave from the Board are not entitled to job restoration or maintenance of employee benefits.

7.150 TRANSFER OF LEAVE

For purposes of this section, the County Government System consists of the following employers: Board of Sumter County Commissioners, Clerk of Circuit Court, Property Appraiser, Sheriff, Supervisor of Elections, and Tax Collector. All transferred leave will be converted to Paid Time Off (PTO) in accordance with section 7.060 – Paid Time Off.

SICK LEAVE:

An employee, who transfers to Board employment, with no break in service within the County Government System may carry forward accumulated sick leave provided that he has not received payment for accumulated sick leave. Credit for earned leave time will be given upon receipt of a certificate from the previous employer stating the amounts authorized to be transferred.

ANNUAL LEAVE:

An employee who transfers with no break in service within the County Government System may carry forward a maximum of 280 hours unpaid accumulated annual leave. Seniority of employees who transfer under these provisions will be recognized as to earning rates of annual leave time. Credit for earned leave time will be given upon receipt of a certificate from the previous employer stating the amount authorized to be transferred.

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7.170 RELIGIOUS HOLIDAYS

If an employee's religious beliefs require observance of a holiday not included in the basic holiday schedule, the employee may, with the Division Director's approval, use ~~vacation credits~~PTO leave or leave without pay.

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8.130 DRUG-FREE WORKPLACE

- a. The manufacturing, distribution, dispensation, possession, and use of unlawful drugs or alcohol on Board premises or during work hours by Board employees are strictly prohibited.
- b. Employees must notify the Board immediately of any conviction for a drug violation.
- c. Violation of this policy will result in disciplinary action which may include termination.
- d. Refusal to submit to testing will result in termination.
- e. Employees who are required to maintain a Commercial Driver's License (CDL), or are employed in a Safety Sensitive Position are subject to random, pre-employment, post-accident, and return to duty drug testing as required by the State or Federal government in conformance with adopted Department or Board policy.
- f. The Board may discipline or terminate an employee possessing, consuming, controlling, selling, using or under the influence of alcohol, drugs or other controlled substances during work hours. The Board reserves the right to search all County property based upon reasonable suspicion of drug related evidence. Lockers, desks, offices, and the like are not private property and are subject to search. The Board may also discipline or terminate an employee who exhibits an on-going dependence on alcohol, drugs, or other controlled substances which, in the Board's opinion, impairs the employee's work performance, poses a threat to the public confidence, or is a safety risk to the employee, the County, or others.
- g. Employees who voluntarily report an alcohol, drug, or controlled substance dependency problem prior to being caught in violation of this policy or prior to being requested to submit to a test, will not be subject to retaliation or discrimination. Employees who voluntarily seek treatment may use ~~sick leave~~PTO and/or sick leave reserve to attend a bona fide treatment or counseling program. The Board may condition continued employment on the employee's successful completion of treatment or counseling programs and future avoidance of alcohol, drugs, or other controlled substances. Follow up testing will be required.
- h. An employee may be required to submit to alcohol, drug, or controlled substance testing when the employee's work performance causes a reasonable suspicion that the employee is impaired due to current intoxication, drug, or controlled substance use or in cases where employment has been conditioned upon remaining alcohol, drug, or controlled substance free following treatment. Refusal to submit to testing will result in termination.

- i. Employees using any prescription or over the counter drugs which might impair their work performance should notify their Department Head. At the option of the Department Head, an employee may be reassigned to less hazardous duty or be placed on ~~sick leave~~PTO if impaired work performance might pose a threat to the public confidence or to the safety of the employee or others.
- j. Drug policies adopted and approved by Board, per individual departments, will supersede this policy.

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